

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

EIGHTH DAY — THURSDAY, OCTOBER 2, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 36).

Present — Mr. Speaker; Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Bailey; Driver; Hardcastle; Krusee; Riddle; Solomons; Talton.

Absent — Crabb; Farrar; Keffer, J.; Moreno, J.; Moreno, P.

The invocation was offered by Father Kevin Manion, pastor, St. John's Catholic Church, San Marcos.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Bailey on motion of Gutierrez.

Driver on motion of B. Keffer.

Riddle on motion of Casteel.

Talton on motion of Mowery.

The following member was granted leave of absence for today to attend the governor's business council:

Krusee on motion of Keel.

CAPITOL PHYSICIAN

The speaker recognized Representative Mercer who presented Dr. Harold Timboe of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Timboe and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Allen in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Crabb on motion of Mabry.

J. Keffer on motion of Mabry.

P. Moreno on motion of Mabry.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Castro on motion of Chavez.

The following members were granted leave of absence temporarily for today because of important business in the district:

Farrar on motion of Mabry.

J. Moreno on motion of Mabry.

INTRODUCTION OF GUEST

The chair recognized Representative Capelo who introduced Nicole Johnson, who briefly addressed the house.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 2).

HB 1 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Denny called up with senate amendments for consideration at this time,

HB 1, A bill to be entitled An Act relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

Representative Denny moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1**: Denny, chair; Howard; Bohac; Harper-Brown; and Uresti.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Swinford requested permission for the Committee on Public School Finance, Select to meet while the house is in session.

Permission to meet was granted without objection.

HCR 23 - ADOPTED (by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HCR 23**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 23, Honoring Luis Saenz on his appointment as Texas assistant secretary of state.

HCR 23 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Garza who introduced Luis Saenz and staff members of the secretary of state's office.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Goodman on motion of Laney.

HR 234 - ADOPTED (by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 234**

The motion prevailed without objection.

The following resolution was laid before the house:

HR 234, Congratulating Brian and Lisa Strauss of Bellaire on the birth of their daughter, Noa Hadas Strauss.

HR 234 was adopted without objection.

HR 202 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 202**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 202, Honoring Ila Gilstrap of Greenville on her retirement and 50-year career as a teacher.

HR 202 was adopted without objection.

HR 157 - ADOPTED
(by Elkins)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 157, Recognizing Paul M. Wattles of Liberty Hill on his 50th birthday.

HR 157 was adopted without objection.

HR 116 - ADOPTED
(by Callegari, Van Arsdale, Bohac, Elkins, and Hamric)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 116, Recognizing the dedication of Cy-Fair College.

HR 116 was adopted without objection.

HR 204 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 204**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 204, Honoring the Global Junior Championship VIII in Houston.

HR 204 was adopted without objection.

HR 205 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 205**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 205, Celebrating the opening of Roberta Wright Rylander Elementary School in Katy.

HR 205 was adopted without objection.

HR 206 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 206**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 206, Naming Claire Connolly of Boston, Massachusetts, an Honorary Texan on her 80th birthday.

HR 206 was adopted without objection.

HR 226 - ADOPTED
(by R. Cook)

Representative R. Cook moved to suspend all necessary rules to take up and consider at this time **HR 226**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 226, Congratulating LaDawn and Anthony J. Daniel of Lexington on the birth of their daughter, Kyla Dawn Daniel.

HR 226 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative R. Cook who introduced Kyla Dawn Daniel, her mother LaDawn, and their friend Peggy Miller.

HR 173 - ADOPTED
(by Edwards and Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 173**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 173, Recognizing October 6, 2003, as Physician Assistant Day.

HR 173 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Turner on motion of Giddings.

HR 216 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 216**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 216, Honoring John Brieden III of Brenham as the newly elected national commander of the American Legion.

HR 216 was read and was adopted without objection.

On motion of Representative Madden, the names of all the members of the house were added to **HR 216** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kolkhorst who introduced John Brieden III, his wife, and aide from the American Legion.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Y. Davis on motion of Noriega.

HR 229 - ADOPTED
(by Hopson)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 229**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 229, Commemorating the 75th anniversary of the Henderson Memorial Hospital in Rusk County.

HR 229 was adopted without objection.

HR 203 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 203**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 203, Congratulating TIBH Industries, as manager of the Texas State Use Works Wonders Program, on the opening of the TIBH Central Store in Austin.

HR 203 was adopted without objection.

HR 235 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 235**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 235, Honoring Dr. Harrison Keller of Austin on being selected to join the Associates Program at the National Center for Public Policy and Higher Education.

HR 235 was adopted without objection.

HR 230 - ADOPTED
(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 230**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 230, Honoring Paul Lazzaro on his retirement from The Woodlands Operating Company.

HR 230 was adopted without objection.

HR 231 - ADOPTED
(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 231, Honoring Interfaith of The Woodlands on its 30th anniversary.

HR 231 was adopted without objection.

HR 236 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 236**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 236, Honoring Roy Orr of DeSoto and his company, GRS, on the occasion of the company's 20th anniversary.

HR 236 was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 236** as signers thereof.

HR 178 - ADOPTED
(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 178**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 178, Honoring Hays County constable Billy H. Reeves for his many contributions to the community.

HR 178 was adopted without objection.

HR 232 - ADOPTED
(by Craddick)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 232**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 232, Honoring Alfred M. "Mac" Stringfellow of San Antonio for his contributions to the Texas Board of Criminal Justice.

HR 232 was adopted without objection.

HCR 24 - ADOPTED
(by Craddick)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HCR 24**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 24, Congratulating General Tommy Franks on his receipt of the Distinguished Citizen Award from the Buffalo Trail Council of the Boy Scouts of America.

HCR 24 was adopted without objection.

HR 245 - ADOPTED
(by Capelo)

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 245**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 245, In memory of Reymundo G. Contreras, Sr., of Robstown.

(Farrar now present)

HR 245 was read and was unanimously adopted by a rising vote.

HCR 13 - ADOPTED
(by Van Arsdale)

Representative Van Arsdale moved to suspend all necessary rules to take up and consider at this time **HCR 13**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 13, Congratulating Mike and Kristy Eanes of Houston on the birth of their daughter, Kaitlyn Lora Eanes.

HCR 13 was adopted without objection.

HR 128 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 128**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 128, In memory of Patricia A. Thompson of Georgetown.

HR 128 was unanimously adopted by a rising vote.

HR 110 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 110**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 110, Honoring David Greene on his retirement from the Texas Parks and Wildlife Department.

HR 110 was adopted without objection.

HR 139 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 139**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 139, Honoring St. John Lutheran Church in Thorndale on its centennial.

HR 139 was adopted without objection.

HCR 25 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HCR 25**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 25, Honoring Lieutenant Colonel Charles Victor Manes, Sr., of San Antonio.

HCR 25 was read and was adopted without objection.

On motion of Representatives Casteel and Merritt, the names of all the members of the house were added to **HCR 25** as signers thereof.

HR 175 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 175, Honoring Sergeant Jerry Wicker on his retirement from the Irving Police Department.

HR 175 was adopted without objection.

HR 152 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 152**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 152, Recognizing October 2003 as Breast Cancer Awareness Month in Texas.

HR 152 was read and was adopted without objection.

On motion of Representative Reyna, the names of all the members of the house were added to **HR 152** as signers thereof.

HR 207 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 207**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 207, In memory of the Honorable Oscar Carrillo, Sr., of Hebbronville.

HR 207 was unanimously adopted by a rising vote.

HR 217 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 217**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 217, Honoring Alberto Barrera of Rio Grande City.

HR 217 was adopted without objection.

HR 218 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 218**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 218, Honoring Jose Leon and Margarita Garcia of Rio Grande City on their 50th wedding anniversary.

HR 218 was adopted without objection.

HR 219 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 219**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 219, Honoring Mario and Minerva Guillen of Rio Grande City on their 55th wedding anniversary.

HR 219 was adopted without objection.

HR 186 - ADOPTED
(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 186**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 186, Honoring Aaron Davis for achieving the rank of Eagle Scout.

HR 186 was adopted without objection.

HR 254 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 254**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 254, Honoring Dr. Lester A. Roch for 27 years of service as pastor of the Apostolic Tabernacle.

HR 254 was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 254** as signers thereof.

HR 255 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 255**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 255, Honoring Darrick Eugene of Austin on his 40th birthday.

HR 255 was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 255** as signers thereof.

HR 196 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 196**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 196, Recognizing October 5, 2003, as the date of the Fall Festival sponsored by St. Patrick's Catholic Church in San Antonio.

HR 196 was adopted without objection.

HR 94 - ADOPTED
(by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 94**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 94, Honoring the Eagle Pass Babe Ruth League All-Stars.

HR 94 was adopted without objection.

HR 95 - ADOPTED
(by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 95**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 95, Commending the success of the Modo He team at the 2003 Youth and Adult National Taekwondo Championship and the AAU Junior Olympic Games.

HR 95 was adopted without objection.

HR 239 - ADOPTED
(by Zedler)

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 239, Commending the 136th Airlift Wing.

HR 239 was adopted without objection.

On motion of Representative Flynn, the names of all the members of the house were added to **HR 239** as signers thereof.

HR 187 - ADOPTED
(by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 187**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 187, Encouraging support of the Bayou Bowl.

HR 187 was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 187** as signers thereof.

HR 242 - ADOPTED
(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 242**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 242, Honoring Donald Joe "Donnie" Camp on his 50th birthday.

HR 242 was adopted without objection.

HR 256 - ADOPTED

(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 256**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 256, Congratulating the Williamson County Emergency Medical Service on being named the 2003 Paramedic Emergency Medical Service of the Year by the National Association of Emergency Medical Technicians.

HR 256 was adopted without objection.

HR 237 - ADOPTED

(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 237**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 237, Honoring Christine Nix of Waco on being appointed to the Peace Officer Star of Texas Award Advisory Committee.

HR 237 was adopted without objection.

HR 238 - ADOPTED

(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 238**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 238, Honoring Inez Rich for her dedication as a Sunday school teacher for 70 years at Gholson Baptist Church.

HR 238 was adopted without objection.

HR 244 - ADOPTED

(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 244**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 244, Honoring Roland Aycock on his 85th birthday.

HR 244 was adopted without objection.

HR 233 - ADOPTED
(by Casteel)

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 233**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 233, In memory of James E. Goodbread of New Braunfels.

HR 233 was unanimously adopted by a rising vote.

HR 227 - ADOPTED
(by Y. Davis)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 227**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 227, Congratulating DeSoto mayor Michael B. Hurtt on the occasion of his birthday.

HR 227 was adopted without objection.

HR 243 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 243**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 243, Recognizing Lawrence Wright and the cast and crew of "Sonny's Last Shot" and their commitment to the Sunshine Kids.

HR 243 was read and was adopted without objection.

(Deshotel in the chair)

On motion of Representative Merritt, the names of all the members of the house were added to **HR 243** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Coleman on motion of Telford.

HR 240 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 240, Honoring Ramon "Raymond" Borrego of San Elizario for this service in the U.S. Army.

HR 240 was adopted without objection.

HR 241 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 241**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 241, Honoring R. L. "Bobby" Bowling IV of El Paso on being named president of the Texas Association of Builders for 2004.

HR 241 was adopted without objection.

HR 197 - ADOPTED
(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 197**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 197, In memory of James R. Atchley of Cleburne.

HR 197 was read and was unanimously adopted by a rising vote.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 197** as signers thereof.

HR 257 - ADOPTED
(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 257**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 257, Honoring the 1966 Kilgore College Rangers football team on its induction into the Kilgore College Hall of Fame.

HR 257 was adopted without objection.

(Allen in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 66 ON SECOND READING
(by Wong, Woolley, Edwards, J. Moreno, et al.)**

HB 66, A bill to be entitled An Act relating to the exemption from ad valorem taxation of medical center development property in certain populous counties.

HB 66 was passed to engrossment. (D. Jones recorded voting no)

HB 66 - MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Wong moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 66** on its third reading and final passage.

The motion was withdrawn.

(J. Moreno now present)

RESOLUTIONS CALENDAR

The following resolutions were laid before the house on committee report:

**HCR 1
(by Chavez)**

HCR 1, Memorializing congress to urge the EPA to redesignate El Paso from a nonattainment area to an attainment area.

HCR 1 was adopted.

**HCR 10
(by Christian)**

HCR 10, Designating the East Texas What-A-Melon Festival as the Official Watermelon Festival of the State of Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilderbran, Representative Christian offered the following committee amendment to **HCR 10**:

Amend **HCR 10** as follows:

On page 2, line 1, between "Texas" and the "period" insert until January 31, 2005

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Christian offered the following amendment to **HCR 10**:

Amend **HCR 10** on page 2, line 1, by striking "the State of Texas" and substituting "East Texas".

Amendment No. 2 was adopted without objection.

HCR 10, as amended, was adopted. (Hodge recorded voting no)

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**HCR 26 - ADOPTED
(by Wilson)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HCR 26**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 26, Declaring October 2, 2003, to be Lisa Marie Presley Day in Texas.

HCR 26 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, upon adjournment today, Desk 17, for a formal meeting, to consider **HJR 3** and **HR 105**.

(Speaker in the chair)

ADJOURNMENT

Representative Chisum moved that the house adjourn until 2 p.m. Sunday, October 5.

Representative Dunnam made a substitute motion that the house adjourn in observance of Yom Kippur until 8 p.m. Monday, October 6.

Representative Chisum moved to table the substitute motion by Representative Dunnam.

A record vote was requested.

The motion to table the substitute motion prevailed by (Record 37): 68 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crownover; Davis, J.; Delisi; Denny; Eissler; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Kuempel; Laubenberg; Madden; Marchant; Mercer; Miller; Morrison; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Stick; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Woolley; Zedler.

Nays — Burnam; Capelo; Chavez; Cook, R.; Deshotel; Dukes; Dunnam; Ellis; Farabee; Farrar; Gallego; Giddings; Guillen; Hochberg; Hodge; Hopson; Luna; Mabry; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Telford; Thompson; Villarreal; Wise; Wong.

Present, not voting — Gutierrez.

Absent, Excused — Bailey; Castro; Coleman; Crabb; Davis, Y.; Driver; Goodman; Hardcastle; Keffer, J.; Krusee; Moreno, P.; Riddle; Solomons; Talton; Turner.

Absent — Alonzo; Bohac; Canales; Dawson; Dutton; Edwards; Eiland; Elkins; Escobar; Flores; Garza; Heflin; Hill; Homer; Jones, D.; Jones, J.; Laney; Lewis; Martinez Fischer; McCall; Mowery; Oliveira; Peña; Pickett; Rose; Swinford; Uresti; Wilson; Wolens.

STATEMENT OF VOTE

When Record No. 37 was taken, I was in the house but away from my desk. I would have voted no.

Rose

A record vote was requested.

The motion to adjourn by Representative Chisum prevailed by (Record 38): 66 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Crownover; Davis, J.; Delisi; Denny; Eissler; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hope; Howard; Hughes; Hupp; Isett; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Morrison; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, W.; Smithee; Stick; Swinford; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Capelo; Chavez; Cook, R.; Deshotel; Dukes; Dunnam; Ellis; Farabee; Farrar; Gallego; Giddings; Guillen; Hochberg; Hodge; Hopson; Luna; Mabry; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Telford; Thompson; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Coleman; Crabb; Davis, Y.; Driver; Goodman; Hardcastle; Keffer, J.; Krusee; Moreno, P.; Riddle; Solomons; Talton; Turner.

Absent — Alonzo; Bohac; Bonnen; Canales; Corte; Dawson; Dutton; Edwards; Eiland; Elkins; Escobar; Flores; Garza; Heflin; Hill; Homer; Hunter; Jones, D.; Jones, J.; Laney; Lewis; Martinez Fischer; Merritt; Miller; Mowery; Oliveira; Peña; Rose; Smith, T.; Solis; Uresti; Wilson; Wolens.

STATEMENT OF VOTE

When Record No. 38 was taken, I was in the house but away from my desk. I would have voted no.

Rose

The house accordingly, at 12:19 p.m., adjourned until 2 p.m. Sunday, October 5.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 73 (By Morrison), Relating to the Texas B-On-time student loan program.

To Higher Education.

HB 74 (By Noriega), Relating to eligibility to receive a TEXAS grant.

To Higher Education.

HB 75 (By Noriega), Relating to the dropout count and dropout rate of public school students.

To Public Education.

HCR 18 (By J. Davis), Honoring Fernando Elizondo Barragan, governor of the State of Nuevo Leon, Mexico.

To Rules and Resolutions.

HCR 19 (By Lewis), Recognizing October 25, 2003, as Convoy of Hope Day.

To Rules and Resolutions.

HCR 20 (By Lewis), In memory of Dovie Jean Webber of Fort Worth.

To Rules and Resolutions.

HCR 21 (By Lewis), Honoring the life of Nadine Lois Spencer Cary of Fort Worth.

To Rules and Resolutions.

HCR 22 (By Lewis), Recognizing the creation of the Hazel Harvey Peace Professorship in children's library services at the University of North Texas.

To Rules and Resolutions.

HR 182 (By McReynolds), Honoring Rosa Walker of Austin on her retirement as director of community services and volunteers for the Texas AFL-CIO.

To Rules and Resolutions.

HR 183 (By Miller), Honoring the First Baptist Church of Purves on its 100th anniversary.

To Rules and Resolutions.

HR 184 (By Miller), Honoring Duffau Baptist Church on its 125th anniversary.

To Rules and Resolutions.

HR 185 (By Paxton), Commending Valley Creek Elementary School of McKinney on its designation as a Blue Ribbon School.

To Rules and Resolutions.

HR 188 (By Baxter), In memory of James L. Dannheim of Houston.

To Rules and Resolutions.

HR 189 (By Rodriguez), Recognizing the dedication of Del Valle ISD's John P. Ojeda Junior High School.

To Rules and Resolutions.

HR 190 (By R. Cook), Recognizing October 12-18, 2003, as the 75th Anniversary Week of the La Grange Noon Lions Club.

To Rules and Resolutions.

HR 191 (By Gallego), Honoring the attorneys who have served as special counsel to the State Commission on Judicial Conduct.

To Rules and Resolutions.

HR 192 (By Wise), Recognizing the birth and adoption of Jonathan Ariel Garza of McAllen.

To Rules and Resolutions.

HR 193 (By Wise), Honoring Laura Jane Talbert of Weslaco, Miss Hidalgo County 2003-2004.

To Rules and Resolutions.

HR 194 (By Wise), Honoring Donna volunteer firefighter Ruby Avila.

To Rules and Resolutions.

HR 195 (By Morrison), Honoring Dakota Peterson of Kyle on his achievements in the sport of water-skiing.

To Rules and Resolutions.

HR 198 (By Craddick), Honoring Tomas and Eloisa Vara of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 199 (By Craddick), Honoring Roy and Betty Henderson of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 200 (By Craddick), Honoring James and Laveren Lindsey of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 201 (By Craddick), Honoring James and Patricia Morriss of Midland on their 50th anniversary.

To Rules and Resolutions.

HR 208 (By Hughes), Honoring James Ray and Dorothy Buie of Diana on their 50th wedding anniversary.

To Rules and Resolutions.

HR 209 (By Hughes), Honoring Cleo P. Sayles of Pittsburg, Texas, on her 100th birthday.

To Rules and Resolutions.

HR 210 (By Hughes), Honoring Bill and Blanche Coker on their 50th wedding anniversary.

To Rules and Resolutions.

HR 211 (By Hughes), Honoring Lillie Ione McDonald Stegall of Marshall on her 90th birthday.

To Rules and Resolutions.

HR 212 (By Hughes), Honoring Curtis and Leona Maddox of Mings Chapel on their 70th wedding anniversary.

To Rules and Resolutions.

HR 213 (By Hughes), Honoring Kelly and Betty Arnold of Marshall on their 50th wedding anniversary.

To Rules and Resolutions.

HR 214 (By Harper-Brown), Honoring Madison Jeter of Irving for achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 215 (By Harper-Brown), Honoring Officer Rhonda Neiderhaus of Irving on her retirement.

To Rules and Resolutions.

List No. 2

HR 220 (By Merritt), In memory of Deb Mohon of Gladewater.

To Rules and Resolutions.

HR 221 (By Merritt), Honoring Anne and Reggie Gilbert of Longview on their 50th wedding anniversary.
To Rules and Resolutions.

HR 222 (By Merritt), Honoring Austin and Rosa Lee Woods of Longview on their 60th wedding anniversary.
To Rules and Resolutions.

HR 223 (By Merritt), Honoring John and Gladys Lindsey of Longview on their 50th wedding anniversary.
To Rules and Resolutions.

HR 224 (By Merritt), Honoring Drs. Elton and Lorene Archer of Longview on their 60th wedding anniversary.
To Rules and Resolutions.

HR 225 (By Merritt), Congratulating Alan Amos of Longview on being named Gregg County Ducks Unlimited Man-of-the-Year.
To Rules and Resolutions.

HR 228 (By Y. Davis), In memory of Althea Gibson of East Orange, New Jersey.
To Rules and Resolutions.

HR 246 (By Craddick), Honoring O. D. and Elizabeth Bretches of Midland on their 50th wedding anniversary.
To Rules and Resolutions.

HR 247 (By Craddick), Honoring Norvan and Beverly Bourland of Midland on their 60th wedding anniversary.
To Rules and Resolutions.

HR 248 (By Craddick), Honoring Kyle and Beula Neill of Midland on their 60th wedding anniversary.
To Rules and Resolutions.

HR 249 (By Craddick), Honoring Jim and Mary Lou Hamilton of Midland on their 50th wedding anniversary.
To Rules and Resolutions.

HR 250 (By Craddick), Honoring Hartwell and Jo Ann Martin of Midland on their 50th wedding anniversary.
To Rules and Resolutions.

HR 251 (By Craddick), Honoring Jerry and Doris Covington of Midland on their 60th wedding anniversary.
To Rules and Resolutions.

HR 252 (By Craddick), Honoring E. H. "Buck" and Joyce Watkins of Midland on their 60th wedding anniversary.
To Rules and Resolutions.

HR 253 (By Craddick), Honoring Richard and Pat Ivy of Midland on their 50th wedding anniversary.
To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 2**SCR 3, SCR 4****MESSAGE FROM THE SENATE**

The following message from the senate was today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Thursday, October 2, 2003

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 12 Paxton SPONSOR: Shapiro
Honoring the birth of Haley Marie Phillips.

HCR 16 Merritt SPONSOR: Ratliff
Honoring General (Ret.) Tommy Ray Franks for his military achievements.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 7
Senate Conferees: Ogden - Chair/Harris/Janek/Whitmire/Williams

HB 24
Senate Conferees: Bivins - Chair/Averitt/Jackson/Madla/Staples

HB 28
Senate Conferees: Bivins - Chair/Barrientos/Brimer/Duncan/Shapiro

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

SENT TO THE COMPTROLLER

September 29 - HB 2, HB 23, HB 25, HB 29